

**MEETING MINUTES**  
**Board of Mental Health Practice**

September 6, 2019

**1. ROLL CALL**

The meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Reay, at 9:03 a.m. in Lower Level Room B, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

**Members Present:** The following members answered Roll Call:

Laurie Andrews, Member  
Dale Battleson, Member  
Chante Chambers, Member  
Cassandra Dittmer, Member  
Terrance Moore, Vice-Chair  
Susan Reay, Chair  
Sarita Ruma, Member

**Members Absent:**

L. Janeen Gill, Member (entered the meeting at 9:07 a.m.)  
David Hof, Member  
Thomas Maxson, Secretary (entered the meeting at 9:27 a.m.)

**Others Present:**

Mindy Lester, Assistant Attorney General  
Kris Chiles, Program Manager, Licensure Unit  
Angela Andersen, Health Licensing Coordinator, Licensure Unit  
Anna Harrison, Compliance Monitor, Licensure Unit  
Larry Wiehn, Investigations  
Mark Meyerson, Investigations  
Trevor Klaassen, Investigations  
Rachel Valleley, PhD, Munroe-Meyer Institute for Genetics and Rehabilitation

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Ruma moved, seconded by Andrews, to adopt the agenda. A voice vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Moore, Reay, Ruma (7). Voting nay: None (0). Absent: Gill, Hof, Maxson (3). Abstain: None (0). Motion carried.

**3. APPROVAL OF MINUTES (7-12-19)**

**MOTION:** Moore moved, seconded by Ruma, to approve the minutes of 7-12-19. A voice vote was taken. Voting aye: Battleson, Chambers, Moore, Ruma (4). Voting nay: None (0). Absent: Hoff, Gill, Maxson (3). Abstain: Andrews, Dittmer, Reay (3). Motion carried.

**4. MEDICAID REIMBURSEMENT ISSUES: LMHP IDI'S AND PROVISIONAL LICENSEES**

Mission to integrate behavioral health across Nebraska. Notes of interest were:

- Reimbursement of LMHP's for medical code #90791 intake code. Only used by psychologists or LI providers.
- Important to rural and underserved areas for initial diagnosis.
- Private insurances allow for reimbursement.
- Dittmer gave Valleley information about quarterly Medicaid meetings that the public can attend.

Suggestions: A conversation about educating role of MHP vs LI vs PLMHP and supervision vs

consultations. Not tied to billing codes.

9:07 a.m. Gill, Member, entered the meeting

9:24 a.m. Valleley departed the meeting

## **5. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION** **CLOSED SESSION**

**MOTION:** Ruma moved, seconded by Gill, to enter into closed session at 9:24 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Reay repeated the motion purpose. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Gill, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Hof, Maxson (2). Abstain: None (0). Motion carried.

9:27 a.m. Maxson entered the meeting

9:29 a.m. Reay departed the meeting (conflict of interest)

9:41 a.m. Reay re-entered the meeting

9:41 a.m. Ruma departed the meeting (conflict of interest)

9:55 a.m. Ruma re-entered the meeting

9:55 a.m. Gill departed the meeting (conflict of interest) and Anna Harrison departed the meeting

10:00 a.m. Harrison re-entered the meeting

10:04 a.m. Gill re-entered the meeting

10:10 a.m. Wiehn, Meyerson, Klaassen departed meeting

10:10 a.m. Meeting break

10:20 a.m. Meeting resumed

10:44 a.m. Lester departed the meeting and Teresa Hampton, DHHS Attorney, entered the meeting

10:54 a.m. Reay and Ruma departed the meeting (conflict of interest)

11:13 a.m. Ruma re-entered the meeting

11:14 a.m. Reay re-entered the meeting

**MOTION:** Ruma moved, seconded by Chambers, to enter into open session at 11:26 a.m. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Gill, Maxson, Moore, Reay, Ruma (9). Voting nay: None (0). Absent: Hoff (1). Abstain: None (0). Motion carried.

## **6. REVIEW, RECOMMENDATIONS, AND REPORT OUT** **OPEN SESSION**

The November 1, 2019 meeting location may be Country Inn and Suites in the Boardroom.

- **Applications, Mail Ballot summary Report, and Reinstatements**

### **Conviction Reviews:**

#### **Nolan Bartek – Provisional Mental Health Practitioner**

**MOTION:** Ruma moved, seconded by Dittmer, to recommend issuance of the provisional license. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Gill, Maxson, Moore, Reay, Ruma (9). Voting nay: None (0). Absent: Hoff (1). Abstain: None (0). Motion carried.

#### **James Holt – Mental Health Practitioner**

**MOTION:** Maxson moved, seconded by Moore, recommendation of denial of early release from probation. The basis for the denial is that there was not sufficient evidence provided to show why the license should be reinstated from probation. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Gill, Maxson, Moore, Reay, Ruma (9). Voting nay: None (0). Absent: Hoff (1). Abstain: None (0). Motion carried.

#### **Brandi Stalzer – Independent Mental Health Practitioner**

**MOTION:** Maxson moved, seconded by Battleson, recommendation of full reinstatement and removal of the limitation of the License. The basis is the applicant provided proof that she has completed at least 6 hours of Board-approved coursework on child custody evaluations and 6 hours of Board-approved

coursework on ethics and boundaries as specified in the Order on Agreed Settlement signed on May 8, 2019. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Gill, Maxson, Moore, (7). Voting nay: None (0). Absent: Hoff (1). Abstain: Reay, Ruma (2). Motion carried.

Bridget Thompson – Independent Mental Health Practitioner

**MOTION:** Battleson moved, seconded by Gill, recommendation modification of ~~term~~ item #1 of the terms and conditions of her probationary reinstatement. Item 1) of the March 18, 2019 letter from the Board, be amended as follows: 'No solo practice. You may only provide mental health and professional counseling services while in the employment of a mental health practice'. The remaining language of this item is removed. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Gill, Maxson, Moore, Reay, Ruma (9). Voting nay: None (0). Absent: Hoff (1). Abstain: None (0). Motion carried.

**7. BOARD BY-LAWS REVIEW, REVISIONS, AND ADOPTION**

The Board reviewed and discussed Article 4, Officers and Elections: No member shall hold more than 2 consecutive terms in the same officer position and a conscience effort should be made to rotate offices among the professions and public represented.

**MOTION:** Dittmer moved, seconded by Ruma, to keep the language of Article 4 as written. A roll call vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Gill, Maxson, Moore, Reay, Ruma (9). Voting nay: None (0). Absent: Hoff (1). Abstain: None (0). Motion carried.

Article 7, Per Diem and Expenses to be discussed under Agenda #8.

Board members per diems shall be \$50 per day pursuant to the Uniform Credentialing Act and adoption by the Board.

Expenses shall be reimbursed according to the Uniform Credentialing Act and the Department of Health and Human Services policy(s).

**8. BOARD MEMBER PER DIEM DISCUSSION AND RECOMMENDATIONS (Neb. Rev. Stat. 38-171)**

Chiles provided information relating to 38-171 in regards to per diems for each day engaged in duties as a member of the board (see statute language below)

**38-171. Board; advisory committee or body; compensation; limitation; expenses.**

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business.

Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

Following discussion, the Board recommended the following per diem payments:

- (1) day of preparation time for each meeting,
- Attending the Board meeting (in person or by conference call),
- Each day the member is representing the board at a national meeting of state licensing boards, and
- Each day of travel where overnight arrangements have been made (board meeting or national meeting).

**9. UPDATES AND REPORTS**

- a. **Board News Articles for Web Posting.** Battleson provided Lester with a copy of his article regarding parents and medical records to review for legal wording. Reay has an article on title protection. What should appear on the website was discussed. There are currently 4 articles available but a discussion about possibly added order articles, such as mandatory reporting. This

was tabled to next meeting.

**b. Regulation Status (172 NAC 94, 471 NAC 32, and others of interest).**

- Chiles reported that Chapter 94 was sent to the Governor's policy research office for review and approval to hold a public hearing. Chiles provided an overview of the process during and after the public hearings. She suggested a separate meeting be scheduled to address the hearing comments (either in person or by conference call).
- Maxson reported that the Board's written testimony, 471 NAC 32, had been sent, it was received and printed but a response has not been received.

**c. Association and Committee Updates: AASCB <http://www.aascb.org> / AMFTRB <http://www.amftrb.org> / ASWB <http://www.aswb.org> / Justice Behavioral Health Committee**

AASCB: No Updates

AMFTRB: Battleson reported he is attending the AMFTRB **Annual Meeting** September 17–18, 2019 in Minneapolis, Minnesota in conjunction with the Council on Licensure Enforcement & Regulation's (CLEAR).

ASWB: Reay reported she is attending the Annual Meeting of the Delegate Assembly November 7–10, 2019. All expenses will be paid by ASWB.

**MOTION:** Ruma moved, seconded by Andrews, to recommend Reay as Nebraska's delegate at the ASWB Annual Meeting of the Delegate Assembly. A voice vote was taken. Voting aye: Andrews, Battleson, Chambers, Dittmer, Gil, Maxson, Moore, Ruma, Reay (9). Voting nay: None (0). Absent: Hof (1). Abstain: None (0). Motion carried.

Justice Behavioral Health Committee: Maxson reported the Behavioral Health and Justice Conference, to be held at the Embassy Suites on October 28-30, is sold out and their waiting list is also full. Maxson said this conference can be used for continuing education credits.

**d. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, and Administrative Penalty Fees Assessed**

Disciplinary/Non-Disciplinary Report was circulated.

Examination Statistics since January 1, 2019:

AMFTRB:	3 pass, 2 fail
ASWB:	47 pass, 15 fail
NBCC-NCE:	44 pass, 19 fail
NCMHCE-DM:	12 pass, 15 fail
NCMHCE-IG:	24 pass, 2 fail
ASWB Master's:	1 pass
Jurisprudence:	17 pass

License and Certificate Statistics:

LIMHP:	1912
MFT:	102
MSW:	949
CMSW:	29
LMHP:	2380
CPC:	909
PMSW:	328
PLMHP:	1121
SW:	555

No administrative penalties were assessed since the last meeting of the Board.

**10. ADJOURNMENT**

Reay declared the meeting adjourned at 12:46 p.m.

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Thomas Maxson, Secretary  
Board of Mental Health Practice

Summarized by: Angela Andersen, Health Licensing Coordinator, Licensure Unit